

Appl. No. 09/826,408
Amdt. Dated August 7, 2006
Reply to Office Action of June 28, 2006

Attorney Docket No. 81752.0105
Customer No.: 26021

REMARKS/ARGUMENTS

Claims 11-26, 41 and 42 were pending in the application. By this amendment, claims 11, 14 and 41 are being amended and claim 17 is being cancelled to advance the prosecution of the case. No new matter is involved.

In paragraph 4 which begins on page 2 of the Office Action, claims 11-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 09039347 of Furuya in view of U.S. Patent 5,241,659 of Parulski.

In paragraph 5 which begins on page 5 of the Office Action, claims 14-19 and 21-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Furuya '347 in view of Parulski '659 and U.S. Patent 5,383,733 of Zinsmeyer.

In paragraph 6 which begins on page 13 of the Office Action, claims 41 and 42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zinsmeyer '733 in view of Parulski '659 and JP 2000006501 of Mochinaga.

In paragraph 7 which begins on page 16 of the Office Action, claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Furuya '347, Parulski '659 and Zinsmeyer '733 and further in view of U.S. Patent 5,533,818 of Bahrabadi.

These rejections are respectfully traversed.

Independent claims 11, 14 and 41 define the feature in accordance with the invention of "desired configuration information which is other than information related to physical properties of the tape cartridge and which is for use in printing". This distinguishes patentably over the cited art, as discussed below. However, in an effort to further distinguish over such art, the limitations of the independent claims are being amended to recite "desired configuration information which is other than information related to physical properties of the tape cartridge and which is of designation of at least one of a typeface, a decoration, and a color, for use

in printing". It is admitted in the Office Action that such feature is not disclosed by Furuya '347 but it is said therein to be disclosed by Parulski '659.

Parulski '659 does refer to "image display parameters including ... color balance, ..." (lines 55-58 of col. 3). However, Parulski '659 is directed to "a digitized image playback apparatus for use with a digital image processing system" (lines 21-23 of col. 3). Specifically, the digitized image is stored on a transportable medium such as a write-once compact disc (lines 55-65 of col. 4). Parulski states: "The CD player may also derive a high resolution thermal printer 24 for obtaining a hard copy of a selected image" (lines 2-4 of col. 5). It should be noted that the stored digitized image as such is not "for use" in printing, but for use to be printed (as it is).

On the other hand, in accordance with the present invention, "to-be-detected image representative of desired configuration information" is other than information related to physical properties of the tape cartridge and is for use in printing. Namely, the information in question is used to determine at least one of a typeface, a decoration, and a color in carrying out the printing job. This is a fundamental and critical difference between the present invention and Parulski '659.

Because Parulski '659 has no disclosure of obtaining a first tape printed with a to-be-detected image as in the case of the present invention, one skilled in the art would not have been motivated to combine Parulski '659 with Furuya '347 because there is neither a need for or an advantage of combining the two references. The attempted combination of the two references is based on improper hindsight because it appears to be done only for the purpose of rejecting this application.

By way of summary, the present invention can obtain the effect as described at lines 11-22 of page 5 and the last paragraph of page 53 through line 5 of page 54.

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Among the advantages according to the present invention, the printing apparatus can dispense with the function of setting desired configuration information. Such information is neither obtained nor disclosed in any of the references.

Therefore, independent claims 11, 14 and 41 as amended herein are submitted to clearly distinguish patentably over the cited references and the attempted combinations thereof.

Claims 12 and 13 depend from and contain all of the limitations of claim 11, so that such claims are submitted to clearly distinguish patentably over the art. Claims 15, 16 and 18-26 depend, directly or indirectly from, and contain all of the limitations of claim 14, so that such claims are also submitted to clearly distinguish patentably over the prior art. Similar comments apply to claim 42 which depends from and contains all of the limitations of claim 41.

In conclusion, claims 11-16, 18-26, 41 and 42 are submitted to clearly distinguish patentably over the prior art for the reasons discussed above. Therefore, reconsideration and allowance are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6846 to discuss the steps necessary for placing the application in condition for allowance.

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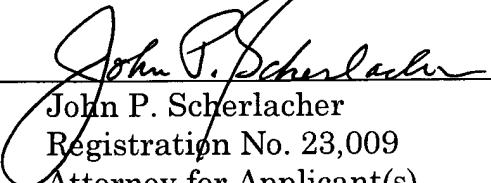
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Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: August 7, 2006

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